
Public Utilities Commission of the State of California

Results of Public Agenda 3098

Meeting Held on Thursday, October 24, 2002 10:00 a.m.

San Francisco, California

Commissioners

Loretta M. Lynch, President (Present)

Geoffrey F. Brown (Present)

Henry M. Duque (Present)

Michael R. Peevey (Present)

Carl W. Wood (Present)

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings

505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i>
Monday, November 18, 2002 (San Francisco)	Thursday, November 07, 2002 (San Francisco)
Monday, December 02, 2002 (San Francisco)	Thursday, November 21, 2002 (San Francisco)
	Thursday, December 05, 2002 (San Francisco)
	Tuesday, December 17, 2002 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

For further information contact the Public Advisor
(415) 703-2074 E-mail: public.advisor@cpuc.ca.gov



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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
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Public Comment:

Re 6:

Charles Betcher, Berkeley, CA
Judy Perez, Paramount, CA
Michele Hurtado, Daly City, CA

Re 10:

Darrin Simmons, Sacramento, CA
Greg Ball, Sacramento, CA
Jeffrey Caviness, Brentwood, CA
Joseph Haraburda, Oakland, CA
Kathleen Kinchins, Oakland, CA
Louie Rocha, San Jose
Michele Noia, San Francisco, CA
Sandra Franco, Napa, CA

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Orders and Resolutions

CA-1

Res TL-19013

1158

Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-2
1176****Res ALJ-176-3098**

Ratification of preliminary determinations of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-3
1051****A02-03-046 - Apple Valley Ranchos Water Company (AVR).**

For authority to increase rates: in 2003 of \$2,775,000 or 27.1% above revenues generated by present rates, in 2004 of \$497,839 or 3.8% above the revenues generated by the rates proposed for 2003, in 2005 of \$507,422 or 3.7% above the 2004 revenue requirements. This decision holds that AVR's test year 2003 results of operation and rates that will be adopted in this proceeding shall be effective January 1, 2003.

(Comr Peevey - ALJ Galvin)

(Agenda 3095, Item CA-12 9/19/2002 (Lynch); Agenda 3096, Item CA-7 10/3/2002 (Staff))

Outcome Held (12/5/02, Consent Agenda. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-4
1082****A01-02-026 - Catalina Red & White Cruises, Inc. (Applicant).**

This decision grants Applicant a certificate of public convenience and necessity to operate a common carrier vessel between San Pedro and Long Beach on the one hand and Santa Catalina Island on the other hand. This proceeding is closed.

(Comr Peevey - ALJ Rosenthal)

Outcome Signed

[D02-10-037](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-5
1090****C01-12-047 - Kenneth Dale and Janis Mae Siemens (Complainants) vs. Union Pacific Railroad Company (Defendant).**

Complainants seek an order from this Commission directing Defendant (UP) to: (1) remove a private rural grade crossing located on its main line in Red Bluff, and (2) direct its train crews to cease sounding the locomotive horn when trains approach the crossing. The Commission concludes that the request does not qualify for an exemption from state statute. UP's motion to dismiss the complaint is granted. This proceeding is closed.

(Comr Lynch - ALJ Patrick)

Outcome Signed

D02-10-038

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-6
1091****A97-12-020 - Pacific Gas and Electric Company (PG&E).**

For authority, among other things, to increase rates and charges for electric and gas service effective on January 1, 1999. I97-11-026, A94-12-005, I95-02-015 - Related matters. In a petition for modification of D00-02-046, the Office of Ratepayer Advocates (ORA) requests that the Commission eliminate ratepayer contributions for PG&E's Diablo Canyon Power Plant nuclear decommissioning trust funds. This decision finds that ORA's petition raises factual issues that are currently being addressed in A02-03-020, PG&E's 2002 Nuclear Decommissioning Cost Triennial Proceeding. To avoid unnecessary duplication of litigation, ORA's petition is dismissed on procedural grounds.

(Comr Wood - ALJ Wetzell)

Outcome Held (11/21/02, Regular Agenda. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-7
1092****R87-11-012 - Order Instituting Rulemaking to revise the time schedules for the Rate Case Plan and fuel offset proceedings.**

A92-10-017 - Related matters. This decision modifies D89-01-040, as previously modified by D95-09-020 and D94-08-023. For the current filing cycle only, it revises the plan for processing San Diego Gas & Electric Company's (SDG&E) Rate Design Window (RDW) filing and related marginal cost showing. SDG&E is authorized and directed to serve an updated marginal cost showing on February 3, 2003, and to file its next RDW application on March 17, 2003. These proceedings are closed.

(Comr Wood - ALJ Wetzell)

Outcome Signed

[D02-10-039](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-8
1093****C92-04-034 - Castlerock Estates, Inc. (Castlerock) and Bruce B. Breiholz vs. Toro Water Service, Inc. (Toro), California Utilities Services, Inc. (Cal Utilities), and Robert T. Adcock**

This decision dismisses this complaint seeking both reformation of the main extension contracts between Castlerock and Cal Utilities and Toro and a refund of the federal tax "gross-up" portions of contributions in aid of construction (CIAC) made by Castlerock to Cal Utilities and Toro. The complaint for reformation was untimely filed. The CIAC was properly calculated and collected in accordance with prior decisions of the Commission. This proceeding is closed.

(Comr Duque - ALJ Simon)

Outcome Signed

[D02-10-040](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-9
1099****Res T-16693 - Pacific Bell Telephone Company (PacBell) .**

This Resolution approves an Interconnection Agreement between PacBell and Williams Local Network, LLC., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 23117 filed July 26, 2002.)

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-11
1108****A00-06-023 - Southern California Edison Company (SCE).**

Application regarding Year Six (1999-2000) under its experimental gas cost incentive mechanism and related gas supply matters. SCE seeks modification of D02-06-023 to alter the text of the decision and to eliminate two findings of fact. SCE has not met its burden of showing that the changes are necessary or are justified by the record. The petition is denied. This proceeding is closed.

(Comr Lynch - ALJ Walker)

Outcome Held (11/7/02, Consent Agenda. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-12
1136****C01-11-006 - City of Encinitas (City) vs. North San Diego County Transit Development Board dba North County Transit District (NCTD)**

In this complaint, the City seeks a Commission order requiring NCTD to comply with Public Utilities Code Section 125260 in connection with construction of a railroad passing track within the City. The complaint is dismissed for lack of jurisdiction. This proceeding is closed.

(Comr Wood - ALJ McVicar)

Outcome Signed

[D02-10-041](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-13
1143****C00-03-017 - Carol Fisch (Fisch) vs. Garrapata Water Co., Inc. (Garrapata).**

This decision grants the petition for modification of D01-04-013 filed by Fisch, in part, and modifies Finding of Fact 13 and Finding of Fact 18 of that decision to more accurately reflect the record. The modifications do not materially affect the holding of D01-04-013. This proceeding is closed.

(Comr Duque - ALJ Vieth)

Outcome Signed

[D02-10-042](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

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- CA-14
1148** **Res T-16698 - Pyramid Cellular Marketing Corp. (U-4101); Business Cellular Services, Inc. (U-4104); En-Able (U-4278); BTI Telecommunications Services, Inc. (U-5560); CEO California Telecommunications (U-5854); Travelers Telecommunications, Inc. (U-5897); Broadstream Corp. (U-6135); OCEN Communications, Inc. (U-6197); Big Bear Telecom, Inc. (U-6206); Telson Carrier Services, Inc. (U-6234); Broadband Digital Technologies, Inc. (U-6394); Neu-Firmnet, Inc. (U-6586).**
- Voluntary revocation of certificates of public convenience and necessity held by 12 telecommunications carriers.
- Outcome Approved**
- Yes: (Brown, Duque, Lynch, Peevey, Wood)
- No: (none)
- Abstain: (none)
- Absent: (none)
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- CA-15
1153** **C01-06-008 - Yucaipa Mobilehome Residents' Association, as representative of the residents of Knollwood Mobilehome Park, et al. vs. Knollwood Mobilehome Estates, Ltd. dba Knollwood Mobilehome Estates.**
- This order extends the 12-month statutory deadline for resolving this case to April 4, 2003 pursuant to Pub. Util. Code § 1701.2(d).
- (Comr Brown - ALJ Walker)
- Outcome Signed**
- D02-10-043
- Yes: (Brown, Duque, Lynch, Peevey, Wood)
- No: (none)
- Abstain: (none)
- Absent: (none)
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- CA-16
1155** **A98-03-034 - Southern California Water Company (SCWC).**
- For an order authorizing it to increase rates for water service in its Metropolitan customer service area. A98-03-029, A98-03-030, A98-03-031, A98-03-032, A98-03-033 - Related matters. While the Commission approved a stipulation between SCWC and the Commission's Water Division in a 1998 SCWC rate case (D98-12-070), the Commission in its ordering paragraphs did not specifically authorize certain rate filings set forth in the stipulation. SCWC asks that the decision be modified to authorize those filings in order to satisfy concerns of the Water Division. The petition to modify is unopposed and is granted. These proceedings are closed.
- (Comr Duque - ALJ Walker)
- Outcome Signed**
- D02-10-044
- Yes: (Brown, Duque, Lynch, Peevey, Wood)
- No: (none)
- Abstain: (none)
- Absent: (none)
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**CA-17
1157****A02-05-057 - U.S. TelePacific Corp. (TelePacific) and SIPCO Limited (SIPCO).**

This decision approves TelePacific and SIPCO's request for approval of the indirect transfer of control of TelePacific. This proceeding is closed.

(Comr Peevey - ALJ Grau)

Outcome Held (11/7/02, Consent Agenda. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-18
1175****A01-03-038 - Santa Clara Valley Transportation Authority (Applicant).**

For an order approving safety appliances to be used at the at-grade crossings of the Autumn Street, Delmas Avenue, San Fernando Street and the San Fernando Station pedestrian crossing by the light rail transit line of the Vasona Light Rail Project in the City of San Jose, County of Santa Clara. This decision grants the application. The Commission also authorizes installation of light rail transit (LRT) crossings at the four locations set forth in the application. The latter authorization is made without prejudice to Applicant's challenge of the Commission's jurisdiction to approve the location and construction of these LRT crossings. The jurisdictional argument is being addressed in A01-01-003, and the decision of jurisdiction in that proceeding also will apply to Applicant in this proceeding. With that understanding of the disposition of the jurisdictional question, the protest of this application by the Commission's rail safety staff has been withdrawn. Staff's protest was based solely on an assertion of Commission jurisdiction to approve locations and construction of LRT crossings. This proceeding is closed.

(Comr Lynch - ALJ Walker)

Outcome Signed

[D02-10-045](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-19
1179****A02-08-005 - Pacific Gas and Electric Company (PG&E).**

The Commission approves the Settlement Agreement between PG&E, Sierra Pacific Industries (SPI), and the California Independent System Operator (ISO). The Settlement Agreement resolves SPI's state court lawsuit against PG&E and the ISO, resolves SPI's bankruptcy claim against PG&E, and reinstates (with modification) four power purchase contracts between PG&E and SPI. This proceeding is closed.

(Comr Wood - ALJ Allen)

Outcome Signed

[D02-10-046](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-20
1180****A02-04-007 - Pacific Gas and Electric Company (PG&E).**

For an expedited order confirming that PG&E may enter into an agreement for installation, maintenance and use of a removal floating boat dock on PG&E property under General Order 69-C or, in the alternative, for approval under Public Utilities Code Section 851. This decision authorizes PG&E to enter a removable floating dock agreement, with required language modification, under General Order 69-C. This proceeding is closed.

(Comr Wood - ALJ Bemmesderfer)

Outcome Signed

D02-10-047

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-21
1186****A02-08-009 - Comm South Companies, Inc. (Applicant).**

This decision grants the Applicant's request to operate as a competitive local exchange carrier providing limited facilities-based and resold, local exchange services. This proceeding is closed.

(Comr Peevey - ALJ Bemmesderfer)

Outcome Signed

D02-10-048

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-22
1187****A02-07-036 - Advanced Telcom, Inc., dba Advanced Telcom Group (ATG), aka Delaware Advanced Telcom, Inc. and GE Business Productivity Solutions, Inc. (GEBPS).**

This decision grants the request for approval under Sections 851-854 of the Public Utilities Code of a transaction that will result in a change of control of ATG to GEBPS. The transaction is structured to take effect upon completion of ATG's Chapter 11 bankruptcy proceeding. The application is unopposed. This proceeding is closed.

(Comr Peevey - ALJ Evans)

Outcome Signed

[D02-10-049](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-23
1188****Res W-4351 - Del Oro Water Company (DOWC), Lime Saddle District.**

This Resolution authorizes DOWC to establish a memorandum account for litigation expenses (Advice Letter (AL) 109 filed July 25, 2002 and AL 109-A filed September 5, 2002.)

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-24
1189****Res W-4352 - Little Bear Sewer Company (LBSC).**

This Resolution authorizes LBSC a surcharge to recover an undercollection in its purchased power balancing account producing an increase in annual revenue of \$7,959 or 3.95% (Advice Letter 14-S filed July 2, 2002.)

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-25
1190****Res W-4353 - Little Bear Water Company (LBWC).**

This Resolution authorizes LBWC a surcharge to recover an undercollection in its purchased power balancing account producing an increase in annual revenue of \$12,463 or 3.81% (Advice Letter 38 filed July 2, 2002.)

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-26
1193****A02-06-052 - Wanda M. Langford dba Grenada Water Company (GWC) and Grenada Sanitary District (District).**

This decision grants authority to GWC to sell its water system to the District. This proceeding is closed.

(Exam Jackson)

Outcome Signed

[D02-10-050](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-27
1200****Res W-4354 - Watertek, Inc., Oak Hills District (OH).**

This resolution authorizes a general rate increase for OH producing additional annual revenue of \$98,815 or 84.9% in 2002.

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-28
1201****Res W-4355 - Watertek, Inc., Grandview Gardens District (GV).**

This resolution grants GV a general rate increase in gross annual revenues of \$31,230 or 128.1% in 2002.

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-29
1203****A93-12-025 - Southern California Edison Company.**

For authority to increase its authorized level of base rate revenue under the electric revenue adjustment mechanism for service rendered beginning January 1, 1995 and to reflect this increase in rates.

I94-02-002, A00-10-045, A01-01-044 - Related matters. This decision grants intervenor compensation to The Utility Reform Network (TURN) for contributions to D02-01-063 in the amount of \$13,430.72. Compensation for work by TURN, Aglet Consumer Alliance, and Utility Consumers Action Network in A00-10-045 and A01-01-044 is denied without prejudice, pending a Commission decision in that matter. A93-12-025 and I94-02-002 are closed.

(Comr Duque - ALJ Cooke)

Outcome Signed

[D02-10-051](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-30
1205****C01-11-027 - Everett and Karen Downs vs. Citizens Water Resources.**

The Commission adopts the decision of the presiding officer dismissing this complaint. This proceeding is closed.

(Comr Duque - ALJ Patrick)

Outcome Signed

[D02-10-052](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-31
1206****Res W-4357 - Arrowhead Manor Water Company, Inc. (AMWC).**

This resolution authorizes AMWC an offset rate increase of \$67,421 or 23.7% in additional revenue due to contract work and purchased water costs. (Advice Letter 48-W filed July 30, 2002)

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

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- CA-32**
1223 **Res W-4358 - San Jose Water Company (SJWC).**
This resolution authorizes SJWC a service charge for automatic payment service for payments not honored by customer's bank or payment service. (Advice Letter 335 filed September 5, 2002)
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-33**
1224 **Res W-4359 - Meadowbrook Water Company (MWC).**
This resolution authorizes MWC an increase in rates producing an increase in annual revenues of \$91,186 or 32.1% for test year 2002.
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-34**
1225 **Res W-4360 - Del Oro Water Company, Ferndale District (FD).**
This resolution authorizes FD a decrease in rates producing a reduction in annual revenues of \$837 or \$0.21% for test year 2002.
Outcome Held (11/7/02, Consent Agenda)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- CA-35**
1228 **A02-08-011 - ACN Communication Services, Inc. (ACN).**
This decision grants the request of ACN to operate as a competitive local exchange carrier providing limited facilities-based and resold local exchange services. This proceeding is closed.
(Comr Wood - ALJ Bemdesderfer)
Outcome Signed
[D02-10-053](#)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

**CA-36
1232****A01-08-030 - Sierra Pacific Power Company (Sierra).**

This decision grants Sierra's request to establish regulatory assets or liabilities associated with implementation of Financial Accounting Standards 133 and 138. This proceeding is closed.

(Comr Wood - ALJ Galvin)

Outcome Signed

D02-10-054

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-37
1244****A96-09-028 - Pacific Gas and Electric Company.**

To continue the unbundling of interstate transmission charges from core transport rates, and to address Canadian transmission capacity and charges as they relate to core transport rates, beginning January 1, 1998. This decision grants The Utility Reform Network's unopposed request for intervenor compensation of \$2,180.76. This proceeding is closed.

(Comr Peevey - ALJ Sullivan)

Outcome Signed

[D02-10-055](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-38
1245****I01-04-002 - Order Instituting Investigation whether Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and their respective holding companies, PG&E Corporation, Edison International, and Sempra Energy, respondents, have violated relevant statutes and Commission decisions, and whether changes should be made to rules, orders, and conditions pertaining to respondents' holding company systems.**

This decision awards The Utility Reform Network \$50,233.56 in compensation for its contribution to D02-01-037 and D02-01-039.

(Comr Lynch - ALJ DeBerry)

Outcome Signed

[D02-10-056](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

CA-39
(Rev.)
1000

Res SX-50

This resolution recommends to the California Transportation Commission to set aside the funding for maintaining automatic grade crossing protection devices.

10/24/2002 - This item was not listed on the agenda distributed to the public.

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

Regular Agenda

Utility and Transportation Orders *Orders Held Over*

- H-1 93 A98-12-005 - GTE Corporation (GTE) and Bell Atlantic Corporation (Bell Atlantic).**
GTE to transfer and Bell Atlantic to acquire control of GTE's California utility subsidiaries which will occur indirectly as a result of GTE's merger with Bell Atlantic. This decision concerns awards for substantial contributions to D00-03-021. The decision modifies D01-09-045 by adding response to comments on the ALJ's draft decision. This proceeding is closed. (Agenda 3073, Item CA-26, 10/10/01).
(Comr Duque - ALJ Kotz)
(Agenda 3080, Item CA-24 1/23/2002; Agenda 3081, Item CA-19 2/7/2002; Agenda 3090, Item H-2 6/27/2002; Agenda 3091, Item H-3 7/17/2002; Agenda 3093, Item H-2 8/22/2002 (Duque); Agenda 3094, Item CA-3 9/5/2002 (Wood))
Outcome Held (12/5/02. Further review.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- H-2 623 R93-04-003 - California Public Utilities Commission.**
Rulemaking on the Commission's own motion to govern open access to bottleneck services and establish a framework for Network Architecture Development of Dominant Carrier Networks.
I93-04-002 - Related matters. This decision adopts permanent Unbundled Network Element rates for the High Frequency Portion of the Loop (HFPL) for both Pacific Bell Telephone Company (Pacific) and Verizon California Inc. (Verizon). The decision finds that establishing a separate rate for the HFPL allows Pacific and Verizon to over-recover their loop costs, since they currently recover the full cost of the loop through rates for the unbundled loop. Pacific and Verizon are required to return HFPL revenues to ratepayers through a surcredit on residential and business basic exchange customers bills.
(Comr Wood - ALJ Jones)
(Agenda 3089, Item 3 6/6/2002; Agenda 3091, Item H-6 7/17/2002; Agenda 3092, Item H-2 8/8/2002 (Wood); Agenda 3093, Item H-4 8/22/2002 (Peevey); Agenda 3095, Item H-2 9/19/2002 (Wood))
Outcome Held (11/7/02)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

**H-3
709****A00-10-045 - San Diego Gas & Electric Company (SDG&E).**

For an order implementing Assembly Bill 265. A01-01-044 - Related matters. This order addresses SDG&E's motions for reconsideration by the full Commission of the Assigned Commissioner's Ruling directing (1) Service of Documents and (2) Filing of Notice of Ex Parte Communication, and for issuance of an immediate stay of said ruling.

(Comr Wood - ALJ Wetzell)

(Agenda 3089, Item 8 6/6/2002; Agenda 3091, Item H-10 7/17/2002; Agenda 3093, Item H-8 8/22/2002 (Peevey); Agenda 3095, Item H-3 9/19/2002 (Peevey))

Outcome Held (12/5/02. Possible alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the

Non-Federal Items

Orders

EX-7

R99-10-025 - Conference with Legal Counsel - Application for Rehearing.

1227

Disposition of Applications filed by Pacific Gas and Electric Company and Kenneth A. Adelman for Rehearing of D02-03-057, which exempts customers eligible under Section 2827 of the Public Utilities Code for net metering of electricity from responsibility for costs associated with review of their applications for interconnection, preparation of any study of their interconnection, and any associated modification of a distributional system, but requires them to bear the costs of attendant facilities necessary for safety and reliability.

Outcome Signed

D02-10-069

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

Regular Agenda

Utility and Transportation Orders *Orders Held Over*

H-4 A98-02-017 - Pacific Bell (Pacific).

714

For authority to categorize business inside wire repair, interexchange carrier directory assistance, operator assistance service and inmate call control service as Category III services. A98-04-048 - Related matters. This decision denies the Office of Ratepayer Advocates' petition for modification of D99-06-053 to recategorize Pacific's Residential Inside Wire Repair (RIWR) service option to Category II from Category III and to reset Pacific's RIWR wirepro ceiling rate to \$1.20 from \$2.99. These proceedings are closed.

(Comr Duque - ALJ Galvin)

(Agenda 3090, Item 7 6/27/2002; Agenda 3092, Item H-4 8/8/2002 (Wood); Agenda 3094, Item H-2 9/5/2002 (Wood))

Outcome Held (11/21/02. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

H-5 R_____ - Order Instituting Rulemaking to implement the provisions of Public Utilities 936 Code § 761.3, enacted by Chapter 19 of the 2001-02 Second Extraordinary Legislative Session.

This proceeding is opened to implement Pub. Util. Code §761.3, which confirms the authority of the Commission to address electric generation facility issues. The purpose of this proceeding is to develop rules to (1) enforce California Independent System Operator outage scheduling protocols and (2) implement and enforce the generator operation and maintenance standards that will be adopted by the California Electric Generation Facilities Standards Committee, established by the statute.

(Comr Wood)

(Agenda 3092, Item 6 8/8/2002 (Wood); Agenda 3093, Item H-14 8/22/2002 (Wood); Agenda 3095, Item H-8 9/19/2002 (Staff))

Outcome Held (11/7/02. Further study.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

H-6 (Rev.) 943 P02-02-003 - Pacific Gas and Electric Company, Southern California Edison Company and California-American Water Company.

This decision denies the Petition for a rulemaking into General Order 69-C, which governs limited, revocable uses of utility property by third parties. Decision concludes that a rulemaking will not yield the fact-specific guidance sought.

(Comr Lynch - ALJ Vieth)

(Agenda 3094, Item 1 9/5/2002 (Peevey); Agenda 3096, Item H-3 10/3/2002 (Lynch))

10/21/2002 - This revision was not shown on the Agenda mailed to the public.

Outcome Signed

[D02-10-057](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

H-7 969 A01-10-028 - San Gabriel Valley Water Company (San Gabriel).

For authority to increase rates charged for water service in its Los Angeles County Division revenues by \$9,526,800 or 30.4% in 2002, \$7,276,100 or 17.8% in 2003, \$2,668,600 or 5.5% in 2004, and \$2,668,500 or 5.2% in 2005. This decision authorizes San Gabriel to increase revenues by \$3,435,700 (or 10.90%) for test year 2002, \$1,554,800 (or 4.44%) for test year 2003, \$1,552,500 (or 4.24%) for attrition year 2004, and \$1,552,500 (or 4.07%) for attrition year 2005. These revenue increases reflect an overall 9.4% rate of return for all years. This proceeding is closed.

(Comr Duque - ALJ Bushey)

(Agenda 3095, Item CA-5 9/19/2002 (Wood); Agenda 3096, Item CA-3 10/3/2002

(Lynch))

Outcome Signed as Modified (Adopted modifications by Comr. Brown. to pp. 6, 7 & 16. Pres. Lynch will file a concurrence.)

D02-10-058

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

H-7a 1259 ALTERNATE TO ITEM 969

This alternate rejects the proposed rate of return premium and adopts an 8.91% rate of return for all years.

(Comr Lynch)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-8
996**

A02-05-006 - National Comtel Network, Inc. (NCN) and Jeff L. Foss (Foss).

This decision grants the joint application of NCN and Foss for approval of the transfer of control of NCN to Foss. This proceeding is closed.

(Comr Peevey - ALJ O'Donnell)

(Agenda 3094, Item CA-9 9/5/2002 (Lynch); Agenda 3095, Item H-12 9/19/2002 (Lynch))

Outcome Held (11/7/02. Possible revisions or alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-8a
1242**

ALTERNATE TO ITEM 996

This alternate decision denies the joint application of National Comtel Network, Inc. (NCN) and Jeff L. Foss (Foss) for approval of the transfer of control of NCN to Foss. The applicants failed to seek Commission approval before the requested transfer of control went into effect, contrary to the requirements of Public Utilities Code Sections 851 and 854. This proceeding is closed.

(Comr Lynch)

Outcome Held (11/7/02. Possible revisions or alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-9
1009**

100-11-052 - Investigation on the Commission's own motion into the operations, practices, and conduct of Qwest Communications Corporation (Qwest), and its wholly owned subsidiary, LCI International Telecommunications Corporation, dba Qwest Communications Services (LCIT), to determine whether Qwest and LCIT have violated the laws, rules and regulations governing the manner in which California consumers are switched from one long distance carrier to another and billed for long distance telephone services.

This decision finds that Qwest and its wholly-owned subsidiary, LCIT violated Public Utilities Code § 2889.5 and § 2890, as well as other statutes, in the course of their marketing activities, and that sanctions are warranted for these violations. Primarily in 1999 and 2000, Qwest failed to adequately supervise its sales agents so that the agents switched thousands of customers' long distance telephone service without their permission in violation of Section 2889.5. In some cases, the third-party verification tapes or letters of authorization confirming the switches were falsified, and Qwest failed to retain third-party verification tapes and make them available to the customer and the Commission. Qwest also violated § 2890 by placing unauthorized charges on thousands of customers' telephone bills. This decision orders a \$ 38,245,500 fine, reparations, and various sanctions to ensure future compliance with § 2889.5 and § 2890. This proceeding is closed.

(Comr Wood - ALJ Econome)

(Agenda 3095, Item 3 9/19/2002 (Duque); Agenda 3096, Item H-7 10/3/2002 (Duque))

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-9a
1087**

ALTERNATE TO ITEM 1009

COMMISSIONER WOOD'S ORDER RE ITEM 1009. This order finds that Qwest and its wholly-owned subsidiary, LCIT violated Public Utilities Code Section 2889.5 and Section 2890, as well as other statutes, in the course of their marketing activities, and that sanctions are warranted for these violations. This decision orders a \$20,340,500 fine, reparations, and various sanctions to ensure future compliance with Section 2889.5 and Section 2890. This proceeding is closed.

(Agenda 3095, Item 3a 9/19/2002 (Duque); Agenda 3096, Item H-7a 10/3/2002 (Duque))

Outcome Signed

[D02-10-059](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

-
- H-9b
1262** **ALTERNATE TO ITEM 1009**
COMMISSIONER DUQUE'S ORDER RE: ITEM 1009. This order finds that Qwest and its wholly-owned subsidiary, LCIT violated Public Utilities Code Section 2889.5 and Section 2890, as well as other statutes, in the course of their marketing activities, and that sanctions are warranted for these violations. This decision orders a \$11,388,000 fine, reparations, and various sanctions to ensure future compliance with Section 2889.5 and Section 2890. This proceeding is closed.
Outcome Defeated
Yes: (Duque)
No: (Brown, Lynch, Peevey, Wood)
Abstain: (none)
Absent: (none)
- H-10
1048** **R01-05-046 - Rulemaking on the Commission's own motion to comply with the mandates of Senate Bill 1712.**
This decision notes that the required report to Legislature has been submitted. This proceeding is closed.
(Comr Brown - ALJ Bushey)
(Agenda 3096, Item 1 10/3/2002 (Brown))
Outcome Signed
[D02-10-060](#)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- H-11
1074** **I02-06-003 - Investigation on the Commission's own motion into the operations, practices, and conduct of Pacific Bell Wireless LLC dba Cingular Wireless and related entities (collectively)**
This decision grants Cingular's petition for modification of the OII and denies Cingular's motion to dismiss for lack of subject matter jurisdiction, but modifies certain Ordering Paragraphs for greater clarity and corrects minor clerical omissions.
(Comr Wood - ALJ Vieth)
(Agenda 3096, Item 2 10/3/2002 (Duque))
Outcome Signed
[D02-10-061](#)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
-

Orders

- 1**
1088 **A99-11-025 - Pacific Gas & Electric Company.**
For a certificate of public convenience and necessity authorizing the construction of the Tri Valley 2002 capacity increase project. This decision grants Kottinger Ranch Homeowners Association an award of \$498,413.43 in compensation for its contribution to D01-10-029. The award is reduced for modifications to hourly rates, duplication with the City of Pleasanton, and unproductive effort on certain issues. This proceeding is closed.
(Comr Duque - ALJ Cooke)
Outcome Held (11/7/02. Further review.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 2**
1118 **A02-05-010 - Comcast Business Communications, Inc. (Comcast) and AT&T Broadband Phone Company of California, LLC (AT&T Broadband Phone).**
A02-05-011 - Related matters. This decision approves change in control of AT&T Broadband Phone and Comcast that results from merger of AT&T Broadband Phone and Comcast into AT&T Comcast Corporation. Analysis pursuant to Public Utilities Code Section 854 indicates transaction serves public interest.
(Comr Peevey - ALJ Sullivan)
Outcome Held (11/7/02. Further review.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 3**
1141 **A00-11-038 - Southern California Edison Company.**
For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs. A00-11-056, A00-10-028, C02-02-027 - Related matters. This decision modifies D01-03-082 to remove the restriction on the use of surcharge revenues. These proceedings remain open.
(Comr Lynch - ALJ Mattson)
Outcome Held (11/7/02)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

3a **ALTERNATE TO ITEM 1141****1237**

This alternate modifies D01-03-082 to remove the restriction on the use of surcharge revenues. The proceeding remains open. This alternate adds additional clarifying language on why utility solvency is a legitimate consideration in the imposition of surcharges.

(Comr Brown)

Outcome Held (11/7/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

4**1146****R01-10-024 - Order Instituting Rulemaking to establish policies and cost recovery mechanisms for generation procurement and renewable resource development.**

This decision adopts the regulatory framework under which Southern California Edison Company, Pacific Gas and Electric Company and San Diego Gas & Electric Company shall resume full procurement responsibilities on January 1, 2003. The framework the Commission adopts contains requirements for utility procurement plans, expedited review procedures, and timely cost recovery mechanisms that conform to Assembly Bill 57's proposed statutory requirements.

(Comr Lynch - ALJ Walwyn)

Outcome Signed as Modified (Adopted modifications by Comr. Wood, to pp. 31 and 75)

[D02-10-062](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

4a**1243****ALTERNATE TO ITEM 1146**

This alternate differs from the proposed decision in the following ways: 1) Streamlines the procurement planning and review process in the short-term, to ensure that utilities have no unmet energy or capacity needs on January 1, 2003, 2) provides up-front guidance for types of resources to be procured in utility long-term (20-year) planning, 3) requires utilities to meet a specified reserve requirement, and 4) requires that no more than 5% of utility annual procurement be through spot purchases.

(Comr Peevey)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**5
1147 R02-01-011 - Order Instituting Rulemaking regarding the implementation of the suspension of Direct Access (DA) pursuant to Assembly Bill 1X and D01-09-060.**

This decision addresses the issue of DA customers' cost responsibility and related ratemaking issues that arise as a result of the suspension of DA as ordered in D02-03-055. This decision establishes mechanisms to implement surcharges for 2003 applicable to DA customers within the service territories of California's three major electric utilities.

(Comr Brown, Comr Wood - ALJ Pulsifer)

Outcome Held (11/7/02. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**5a
1151 ALTERNATE TO ITEM 1147**

The alternate decision differs from the proposed decision by not adopting a Direct Access surcharge cap at this time. Rather, this alternate defers consideration of a Direct Access Cost Responsibility Surcharges cap to the first annual update.

(Comr Wood)

Outcome Held (11/7/02. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**5b
1230 ALTERNATE TO ITEM 1147**

This alternate order differs from the administrative law judge's proposed decision in that customers that have their Direct Access Service Requests submitted prior to July 1, 2001 will be exempt from the Power Charge portion of the Cost Responsibility Surcharge.

(Comr Peevey)

Outcome Held (11/7/02. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

5c ALTERNATE TO ITEM 1147**1252**

This alternate differs from the proposed decision in the following ways: 1) Adopts a cap on direct access (DA) cost responsibility surcharge of 4 cents, rather than 2.7 cents/kwh; 2) Uses the utilities' rate of return on rate base to set the interest rate on bundled customers funds which are used to pay DA revenue shortfalls resulting from the cap, since these funds may not be repaid for many years; 3) Seeks comments on the need for a higher cap for San Diego Gas & Electric Company (SDG&E) or alternative ways of mitigating the SDG&E's high DA cost responsibilities in early years.

(Comr Lynch)

Outcome Held (11/7/02. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

6 A00-11-038 - Southern California Edison Company (SCE).**1149**

For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs. A00-11-056, A00-10-028 - Related matters. This decision adopts a methodology for setting of uniform bond-related surcharges in San Diego Gas & Electric Company, Pacific Gas and Electric Company, and SCE service areas. This decision also establishes an advice letter process for setting 2003 surcharges and exempts residential consumption below 130% of baseline CARE and medical baseline from surcharges.

(Comr Lynch - ALJ Sullivan)

Outcome Defeated

Yes: (Lynch, Wood)

No: (Brown, Duque, Peevey)

Abstain: (none)

Absent: (none)

6a ALTERNATE TO ITEM 1149**1238**

This alternate decision would impose the bond charge on all bundled customers. Imposition of the bond charge on direct access and departing customers is considered in R02-01-011. The most likely initial bond charge for bundled customers ranges between 0.5533 and 0.7492 cents per kwh for 2003.

(Comr Brown)

Outcome Signed as Modified (Adopted modification by Comr. Brown, to p. 47.

Pres. Lynch will file a dissent. Comr. Wood reserves the right to file a dissent.)

[D02-10-063](#)

Yes: (Brown, Duque, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

-
- 7**
1150 **A00-10-045 - San Diego Gas & Electric Company (SDG&E).**
For an order implementing Assembly Bill (AB) 265. A01-01-044 - Related matters. This decision addresses the request of SDG&E to impose a surcharge on customers to recover the AB 265 undercollection.
(Comr Wood - ALJ Wong)
Outcome Held (11/7/02. Further review.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 7a**
1246 **ALTERNATE TO ITEM 1150**
This alternate adopts the settlement of federal litigation proposed by San Diego Gas & Electric Company (SDG&E) on June 14, 2002. Based on the outcome of the settlement, SDG&E's request for a surcharge is denied.
(Comr Peevey)
Outcome Held (11/7/02. Further review.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 8**
1231 **A97-12-020 - Pacific Gas and Electric Company (PG&E).**
For authority, among other things, to increase rates and charges for electric and gas service. I97-11-026, A94-12-005, I95-02-015 - Related matters. In connection with the test year 1999 general rate case (GRC) of PG&E, the Commission approves an uncontested settlement (Settlement Agreement) resolving pending ratemaking issues related to the outage of PG&E's 21-megawatt El Dorado hydroelectric generation project. Pursuant to the Settlement Agreement, a total adjustment of \$810,000 plus associated interest will be credited to PG&E's Transition Cost Balancing Account. The El Dorado Phase of this GRC is concluded.
(Comr Wood - ALJ Wetzell)
Outcome Signed
[D02-10-064](#)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
-

**9
1257** **R_____ - Order Instituting Rulemaking into the service quality standards for all telecommunications carriers and revisions to General Order 133-B.**

This rulemaking is opened to determine the service quality measurements and standards that should apply to all telecommunications carriers and to make revisions to existing measurements and standards as appropriate.

Outcome Held (11/7/02. Further review, possible revisions.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**10 (Rev.)
1258** **I_____ - Order Instituting Investigation into statements by SBC Communications and SBC Pacific Bell regarding potential reductions to service quality.**

This proceeding is opened to investigate statements by representatives of SBC Communications and SBC Pacific Bell that recently announced layoffs will harm customer service and to determine what action by the Commission is appropriate.

10/21/2002 - This revision was not shown on the Agenda mailed to the public.

Outcome Held (11/7/02. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**11
1261** **I_____ - Order Instituting Investigation into the gas market activities of Southern California Gas Company, San Diego Gas & Electric Company, Southwest Gas Corporation, Pacific Gas and Electric Company, Wild Goose Storage, Inc. , and Southern California Edison and their impact on the gas price spikes experienced at the California border from December 2000 through May 2001.**

In this investigation, the Commission will examine the reasons for the increase in the price of natural gas at the California border from December 2000 through May 2001.

Outcome Held (11/7/02. Further drafting.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Utilities Resolutions and Written Reports**Energy Matters****E-1 Res E-3781 - San Diego Gas & Electric (SDG&E).**

794 This resolution denies without prejudice SDG&E's proposal to return \$168 million overcollected in the Transition Cost Balancing Account (TCBA) as of March 31, 2002 to AB X1 43 customers.

(Advice Letter 1405-E filed May 10, 2002)

(Agenda 3091, Item E-1 7/17/2002; Agenda 3092, Item E-1 8/8/2002 (Peevey); Agenda 3093, Item E-1 8/22/2002 (Peevey); Agenda 3095, Item E-1 9/19/2002 (Duque))

Outcome Held (11/7/02. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

E-1a ALTERNATE TO ITEM 794

842 Urgent request to return \$168 million overcollected in the transition cost balancing account to San Diego Gas & Electric Company customers. Approximately \$52 million of the overcollection will be credited towards the Assembly Bill 265 undercollection while the remainder of the balance will be returned to large customers.

(Advice Letter 1405-E filed on May 10, 2002)

(Comr Peevey)

(Agenda 3091, Item E-1a 7/17/2002; Agenda 3092, Item E-1a 8/8/2002; Agenda 3093, Item E-1a 8/22/2002 (Peevey); Agenda 3095, Item E-1a 9/19/2002 (Duque))

Outcome Held (11/7/02. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

E-2 Res O-0043 - Santa Fe Pacific Pipelines, Limited Partners (SFPP).

1104 This resolution approves SFPP's request to increase tariffs for transportation of petroleum products by pipeline, subject to conditions. SFPP's rates shall be subject to refund, as set forth. SFPP shall file an application to justify its current rates. (Advice Letter 14 filed May 10, 2001.)

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

-
- E-3**
1145 **Res E-3790 - Southern California Edison Company (SCE).**
This resolution exempts residential usage below 130% of baseline, and CARE and medical baseline customers from the Historical Procurement Charge applicable to SCE's direct access customers pursuant to D02-07-032. (Advice Letter 1640-E-A filed July 24, 2002).
Outcome Held (11/7/02. Further review.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- E-4**
1152 **Res G-3339 - Pacific Gas & Electric Company (PG&E).**
PG&E seeks to recover in core rates the costs related to the utility's subscription to El Paso Natural Gas Company pipeline capacity, made in compliance with R02-06-041, and existing pipeline capacity held by PG&E on Transwestern Pipeline. (Advice Letter (AL) 2401-G filed July 31, 2002, and AL 2405-G filed August 29, 2002.)
Outcome Held (11/7/02. To incorporate comments.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- E-4a**
1260 **ALTERNATE TO ITEM 1152**
Pacific Gas and Electric Company (PG&E) seeks to recover in rates assessed core customers costs related to the subscription of turned back El Paso Natural Gas Company (El Paso) pipeline capacity, made in compliance with R02-06-041, and existing pipeline capacity held on Transwestern Pipeline Company (Transwestern). PG&E is authorized to collect El Paso pipeline charges from all gas ratepayers, on an equal-cents-per-therm basis, pending the outcome of Phase II in Rulemaking R02-06-041. PG&E must continue to collect only the currently authorized portion of Transwestern costs.
(Comr Duque)
Outcome Held (11/7/02. To incorporate comments.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
-

E-5 (Rev.) Res E-3772 - Southern California Edison Company (SCE).**1101**

This resolution grants SCE's request for approval of its 2000 Performance-Based Ratemaking Performance Report, which details revenue sharing calculations and service quality performance rewards for 2000. (Advice Letter 1537-3 filed April 16, 2001)

10/22/2002 - This item appeared as (CA-10) on the agenda distributed to the public.

Outcome Approved

Yes: (Brown, Duque, Peevey, Wood)

No: (Lynch)

Abstain: (none)

Absent: (none)

Water Matters

W-1 Res W-4356 - Point Arena Water Works, Inc. (PAWW).

1204 This resolution authorizes PAWW an interim increase in rates subject to refund, producing additional annual revenues of \$70,137 or 56.9% for test year 2002 and converts this draft advice filing into a formal proceeding.

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

Commissioner's Reports

CR-1

Commissioners' Reports

1211

Miscellaneous Commissioners' reports.

Outcome Information Only

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Management Reports and Resolutions**M-1 Management Reports****1213** Miscellaneous Management reports.**M-2 General Counsel's Report****1212** Consideration of Authority given (and to be given) to the General Counsel with respect to the California Department of Water Resources bond transaction, including, but not limited to, matters covered by the Summary of Material Terms.**Outcome Withdrawn**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the

Non-Federal Items

Orders Held Over

- HEX-1 361 I99-07-003 - Conference with Legal Counsel – Applications for Rehearing.**
Disposition of Application for Rehearing of D01-12-018 filed by the Southern California Generation Coalition, The Utility Reform Network and the Department of General Services. The decision adopted the Comprehensive Gas Settlement for the market and regulatory framework for Southern California Gas Company and San Diego Gas & Electric Company.
(Agenda 3085, Item EX-5 4/4/2002; Agenda 3089, Item HEX-4 6/6/2002; Agenda 3091, Item HEX-2 7/17/2002; Agenda 3093, Item HEX-2 8/22/2002 (Wood))
Outcome Held (Discussed and held to 11/7/02.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- HEX-2 827 A99-09-029 - Conference with Legal Counsel – Application for Rehearing.**
Disposition of the applications for rehearing of D01-05-059 and D01-12-017 filed by Pacific Gas and Electric Company (PG&E) on June 18, 2001 and January 11, 2002, respectively. The decisions granted PG&E's application for certificate of public convenience and necessity for the Northeast San Jose Transmission Reinforcement project.
(Agenda 3092, Item EX-5 8/8/2002 (Staff); Agenda 3093, Item HEX-4 8/22/2002 (Staff); Agenda 3096, Item HEX-1 10/3/2002 (Duque))
Outcome Signed
D02-10-065
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

**HEX-3
828****A99-11-025 - Conference with Legal Counsel - Application for Rehearing.**

Disposition of the application for rehearing of D01-10-029 filed by Pacific Gas & Electric Company (PG&E) on November 13, 2001. The decision granted PG&E's application for a certificate of public convenience and necessity for the proposed Tri-Valley 2002 Capacity Increase Project.

(Agenda 3092, Item EX-6 8/8/2002 (Staff); Agenda 3093, Item HEX-5 8/22/2002 (Staff); Agenda 3096, Item HEX-2 10/3/2002 (Duque))

Outcome Signed

D02-10-066

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**HEX-4
1100****A00-11-038 - Conference with Legal Counsel – Application for Rehearing**

A00-11-056, A00-10-028 - Related matters. Disposition of application for rehearing of D02-04-016 filed by Pacific Gas and Electric Company (PG&E). In D02-04-016, the Commission established interim cost-of-service revenue requirements for the utility retained generation of PG&E, Southern California Edison Company and San Diego Gas & Electric Company for 2002.

(Agenda 3096, Item EX-5 10/3/2002 (Staff))

Outcome Signed

D02-10-067

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**HEX-5
1102****A00-01-022 - Conference with Legal Counsel – Application for Rehearing.**

Disposition of Application for Rehearing of D00-08-011 filed by AT&T Communications (AT&T), TCG, and TCI. This decision affirmed the results adopted in the Final Arbitrator's Report with some modifications, and approved the resulting arbitrated interconnection agreement between AT&T and Pacific Bell. Applicants allege legal error with respect to the decision's treatment of reciprocal compensation components and treatment of calls when Calling Party Number information is not available.

(Agenda 3096, Item EX-6 10/3/2002 (Duque))

Outcome Held (11/7/02. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Orders**EX-5 C88-03-016 - Conference with Legal Counsel - Application for Rehearing.****1144**

Order disposing of application for rehearing of D01-06-034 filed by Napa Valley Wine Train, Inc. (Wine Train). D01-06-034 grants, in part, the City of St. Helena's petition for modification of prior decisions concerning the Wine Train. D01-06-034 concludes that the Wine Train's passenger excursion service does not constitute regulated transportation and that, in providing such service, the Wine Train is not functioning as a public utility.

Outcome Held (11/7/02. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

EX-6 C01-12-032 - Conference with Legal Counsel – Application for Rehearing.**1182**

Disposes of application for rehearing filed by Edward A. Sweeney, Complainant, of D02-08-021 which denied complainant's request that relocation of a power pole outside his home be relocated and paid for by San Diego Gas and Electric Company.

Outcome Signed

D02-10-068

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)